

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND  
COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION

This Document Relates To:

All Cases

MDL No.: 1:13-md-2419-RWZ

*pw2*  
~~Proposed~~ MDL Order No. \_\_\_\_  
June 2, 2015

ORDER TO SHOW CAUSE CONCERNING DISMISSAL OF CLAIMS AGAINST  
SETTLING DEFENDANTS

On May 20, 2015, in the matter of *In re New England Compounding Pharmacy, Inc.*, Case No. 12-19882-HJB, the United States Bankruptcy Court for the District of Massachusetts (the "Bankruptcy Court") entered an order approving and confirming the Third Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc (the "Plan"). Pursuant to settlement agreements entered into with the Chapter 11 Trustee and approved by the Bankruptcy Court, a number of entities and persons have been granted releases and/or channeling injunctions in exchange for contributing significant funds to the Tort Trust from which tort claimants will receive compensation. The Plan is final and no longer subject to appeal, and the releases and/or channeling injunctions went into effect on June 4, 2015.

The following is a list of those entities and persons entitled to general releases and/or channeling injunctions pursuant to the Bankruptcy Court's order who have been named as a defendant in one or more cases pending in these MDL proceedings<sup>1</sup>:

- New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center;
- Alaunus Pharmaceutical, LLC;
- Ameridose, LLC;
- ARL BioPharma Inc. d/b/a Analytical Research Laboratories;
- GDC Properties Management, LLC;
- High Point Surgery Center;
- Surgery Center Associates of High Point, LLC;
- High Point Regional Health f/k/a High Point Regional Health System, d/b/a High Point Regional Hospital;
- Inspira Health Network, Inc. f/k/a South Jersey Health System, Inc.;
- Inspira Medical Centers, Inc. f/k/a South Jersey Hospital, Inc.;
- Liberty Industries, Inc.;
- Medical Sales Management, Inc.;
- Medical Sales Management, SW, Inc.;
- UniFirst Corporation a/d/b/a Uniclean Cleanroom Services;
- Paul Abrams;
- Joseph Alessandrini;
- Barry J. Cadden;
- Lisa M. Conigliaro Cadden;
- Glenn Chin;
- Carla Conigliaro;
- Douglas Conigliaro; and
- Gregory Conigliaro.

It is the intention of this Court to dismiss with prejudice all claims of any type against the above-referenced settling defendants in all cases currently pending in this MDL. To accomplish this task in an orderly, cost-effective and efficient manner, this order is issued as a "show cause" order in which a failure to respond by the due date will be treated as a failure to object to

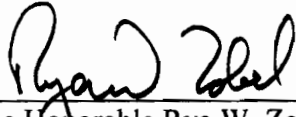
---

<sup>1</sup> This list does not include the defendants Image Guided Pain Management, PC, Insight Health Corp., John Mathis, M.D. and Robert O'Brien, M.D. (collectively, "the Insight Defendants"). Given certain unique terms in the settlement agreement with the Insight Defendants, the parties in those cases in which one or more of the Insight Defendants has been named have agreed that a notice of dismissal will be filed in each individual case at the appropriate time.

dismissal, and will result in the dismissal of the claims consistent with the terms of the Plan. It is hereby ORDERED that:

Any plaintiff who objects to any such dismissal shall file and serve an objection by July 2, 2015 [fourteen (14) days from the date of the order]. Such objections shall (i) identify the case, (ii) identify the relevant defendant(s), and (iii) concisely state the reason(s) why the claims should not be dismissed with prejudice. Such objections shall be limited to five (5) pages, and counsel with multiple cases shall file a single joint objection. On July 3, 2015 [fifteen (15) days from the date of the order], all claims against the above-referenced defendants in all cases currently pending in this MDL in which no objection was filed will be dismissed with prejudice.

IT IS SO ORDERED.

  
The Honorable Rya W. Zobel  
United States District Judge

Dated: June 18, 2015